

PETITION UNDER 28 USC § 2254 FOR WRIT OF
 HABEAS CORPUS BY A PERSON IN STATE CUSTODY
 SEEKING REVIEW OF PRISON DISCIPLINARY SANCTIONS

United States District Court	District	Southern District of Indiana
Name JAY EDWARD JOHNSON	Prisoner No. 102709	Case No. WVR 07-12-0004
Place of Confinement WABASH VALLEY CORRECTION FACILITY		
Name of Petitioner (include name under which convicted) JAY EDWARD JOHNSON		Name of Respondent (incarcerated person having custody of petitioner) ALAN FINNAN
The Attorney General of the State of Indiana STEVE CARTER		
PETITION		
1. Name and location of Prison Disciplinary Body, which determined guilt: <u>L.T. LINNWEBER, L.R. BREWER, SGT. ? UNABLE TO MAKE OUT. WABASH VALLEY CORR. FACILITY</u>		
2. Date of Guilt determination: <u>12-11-2007</u>		
3. Sanctions imposed: <u>6 MONTHS SEGREGATION, 90 DAYS LOSS EARNED CREDIT TIME, 2 MONTH PHONE LOSS, WRITTEN REPRIMAND</u>		
4. Nature of rule infractions involved (all counts) <u>213-B THREATENING</u>		
5. What was your plea? (Check one) (a) Not guilty <input checked="" type="checkbox"/> (b) Guilty <input type="checkbox"/>		
6. If you pleaded not guilty, what kind of disciplinary hearing did you have? (Check one) (a) Screening Officer Hearing <input type="checkbox"/> (b) Full Hearing <input checked="" type="checkbox"/>		
7. Did you testify at your disciplinary hearing? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
8. Did you appeal from the guilty determination and imposition of sanction(s)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		

9. If you did appeal, answer the following:

(a) Name and title of Reviewing Authority: ALAN FINNAN, SUPERINTENDENT

(b) Result DENIED

(c) Date of result 1/17/08

(d) Grounds raised OFFICER WHO WRITING ME UP PRESENTED NO SOLID EVIDENCE. I WAS RANDOMLY PICKED OUT OF A GROUP.

① MY WITNESS WAS ADMITTED TO SAYING WHAT I SUPPOSEDLY SAID.

② I WAS DENIED VIEWING OF VIDEO CAMERA. ③ THE DUELLIS MADE COMMENTS THAT DIDN'T PERTAIN TO CASE AND WAS IMPARIAL.

(e) If you sought further review of the decision on appeal by a higher Reviewing Authority, please answer the following:

(1) Name and title of Higher Reviewing Authority: CHARLES NEWTON

(2) Result DENIED

(3) Date of result 3/10/08

(4) Grounds raised ① I WAS DENIED VIDEO ② OFFICER WRITING ME UP BECAUSE HE THOUGHT HE HEARD MY VOICE. ③ OFFICER WHO I ALLEGEDLY SAID THIS TO PROVIDED NO STATEMENT. ④ DUELLIS WAS IMPARIAL BY SAYING COMMENTS NOT PERTAINING TO MATTER

10. Have you previously filed any petitions, applications, or motions with respect to this Disciplinary Finding in any court, state or federal?

Yes No

11. If your answer to 10 was 'yes,' give the following information:

(a) (1) Name of court _____

(2) Nature of proceeding _____

(3) Grounds raised _____

12 State concisely every ground on which you claim that you were unconstitutionally deprived of credit time or subjected to unconstitutional disciplinary punishment. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: In order to proceed in federal court, you must first exhaust all available administrative appellate remedies as to each ground on which you request relief from federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date. It is suggested that you read *Marham v Clark*, 978 F.2d 1057 (7th Cir. 1990) prior to filing this petition.

(A) GROUND ONE: OPPORTUNITY TO CALL WITNESS AND PRESENT DOCUMENTARY EVIDENCE
IN DEFENSE WHEN CONSISTENT WITH CORRECTIONAL GOALS.

SUPPORTING FACTS (state briefly without citing cases or law) I REQUESTED THE VIEWING OF VIDEO
CAMERA WHEN I WAS SCREENED TO SEE IF I WAS NOWHERE IN VICINITY OF
OFFICER WHO WROTE ME UP OR GUARD WHO I WAS ACCUSED OF SAYING THIS
TO. I AGAIN ADDRESSED THIS TO DHB THRU VOICE AND WRITTEN
STATEMENT, CONTINUANCE FOR THIS WAS DENIED.

I ALSO CALLED FOR A WITNESS DURING HEARING WHO WAS GOING TO
ADMIT TO SAYING WHAT I WAS ACCUSED OF.

(B) GROUND TWO: THE OF SOME EVIDENCE TO SUPPORT THE DECISION

SUPPORTING FACTS (state briefly without citing cases or law) OFFICER WHO I SUPPOSEDLY
SAYED THIS TO ME DID NOT MAKE NO STATEMENT. OFFICER WHO WROTE ME
UP PRESENTED NO EVIDENCE OR ACCUSATION THAT HE CLEARLY OBSERVED
ME, STATED WHERE I WAS AT OR ETC. ONLY THAT HE HEARD ME.

(C) GROUND THREE: OPPORTUNITY TO BE HEARD BEFORE AN IMPARIAL DECISION
MAKER

SUPPORTING FACTS (state briefly without citing cases or law) DHB CHAIRMAN LF. LINDBERG
BECAME VIOLENTLY UPSET WHEN HE FOUND OUT WHO MY WITNESS WAS.
COMMENTS WERE MADE LIKE "SMITH IS A SMART-ALIC AND TRAWELL MAKER
THAT I SHOULDN'T EVEN BE AROUND HIM" WHICH MADE ME FEEL LIKE
I WAS FOUND GUILTY BY ASSOCIATIONS AND THE BIAS DHB FELT TOWARDS
MY WITNESS. I ALSO HAD NO STAFF MEMBERS ON MY DHB.
ONE OF THE DHB MEMBERS LF. BREWER WAS THE SHIFT SUPERVISOR WHO
SIGNED MY INVESTIGATION PAPER ON 12/6/07 REGARDING THIS CASE

AO 241

(Rev.5/85)

If any of the grounds listed in 12A, B, C, and D were not previously presented in your administrative appeal, state

13. briefly what grounds were not presented and give your reasons for not presenting them at the administrative level:

I Didn't go into DETAIL ABOUT HAVING 2 LIEUTENANTS AND 1 SERGEANT
 ON D.H.B UNTIL IT WAS RECENTLY BROUGHT TO MY ATTENTION BY STAFF THAT
 I WAS WRONG. I DID MENTION THE 3 OF THEM IN STEP 2 APPEAL. REGARDING LT.
 BREWER SIGNIN INVESTIGATION paper AND ETC. I JUST NOTICED IT RD, 24.

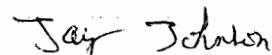
14. Do you have any petition or appeal now pending in any court or administrative agency, either state or federal, as to the judgment under attack?

Yes No

15. Give the name, Title, and/or I.D.O.C. Numbers, if known, of each offender, of any staff or lay advocates, who represented you in the following stages of the disciplinary proceedings in the following stages of the judgment attacked herein:

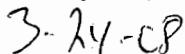
(a) At Disciplinary hearing: No Lay Advocate(b) At Institutional Level Appeal: No Lay Advocate(c) At I.D.O.C. Level Appeal: No Lay Advocate

WHEREFORE, Petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.



Signature of Petitioner

I declare under penalty of perjury that the foregoing is true and correct. Executed on



DATE



Signature of Petitioner